



Siskiyou County
Planning Commission Staff Report
August 18, 2021

New Business Agenda Item No. 1
Anthis Use Permit (UP-21-04)

Applicant:	Todd Anthis and Brett Waite
Property Owners:	Todd Anthis and Brett Waite 403 Orem Street Mount Shasta, CA 96067
Project Summary	<p>The applicant is requesting approval of the following:</p> <ul style="list-style-type: none">• Use permit approval to allow short-term vacation rental use within an existing single-family dwelling.
Location:	The project is located at 4612 W A Barr Road, Mt. Shasta on APN: 036-250-490; Township 40N, Range 4W, Section 31, MDB&M; Latitude 41.274°, Longitude -122.356°
General Plan:	Soils: Erosion Hazard; Building Foundation Limitations - Severe Pressure Limitations Soils; Slope; Deer Wintering Area; Wildfire Hazard; Woodland Productivity – High Suitability.
Zoning:	Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40)
Exhibits:	<p>A. Draft Resolution PC-2021-019 A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act and Approving the Anthis Use Permit (UP-21-04)</p> <p style="padding-left: 40px;">A-1. Notations and Recommended Conditions of Approval A-2. Recommended Findings</p> <p>B. Comments</p>

Background

The subject parcel is owned by Todd Anthis and Brett Waite. The project is located at 4612 W.A. Barr Road, in the unincorporated community of Mount Shasta. It is within the sphere of influence for that same city.

The property is a legal parcel that was originally created as Parcel C shown on the map entitled "Parcel Map 2004-12", which map was filed for record in the Siskiyou County Recorder's Office on June 17, 2004 in Parcel Map Book 12 at page 160.

This approximately 41.92-acre parcel is developed with a single-family dwelling that is appropriate to the Rural Residential Agricultural, 40-acre minimum parcel size zoning district. The dwelling is a three-story structure with three bedrooms. Water is provided by an approved groundwater well (PN W05-2019) and has an approved septic system (PN 06-174), which was upgraded this year (EH 21085).

The property to the south and east is zoned Timber Production and is undeveloped. The remaining surrounding parcels are zoned R-R-B-40 and are developed with single-family uses applicable to the Rural Residential Agricultural zoning district.



Figure 1: Project Location

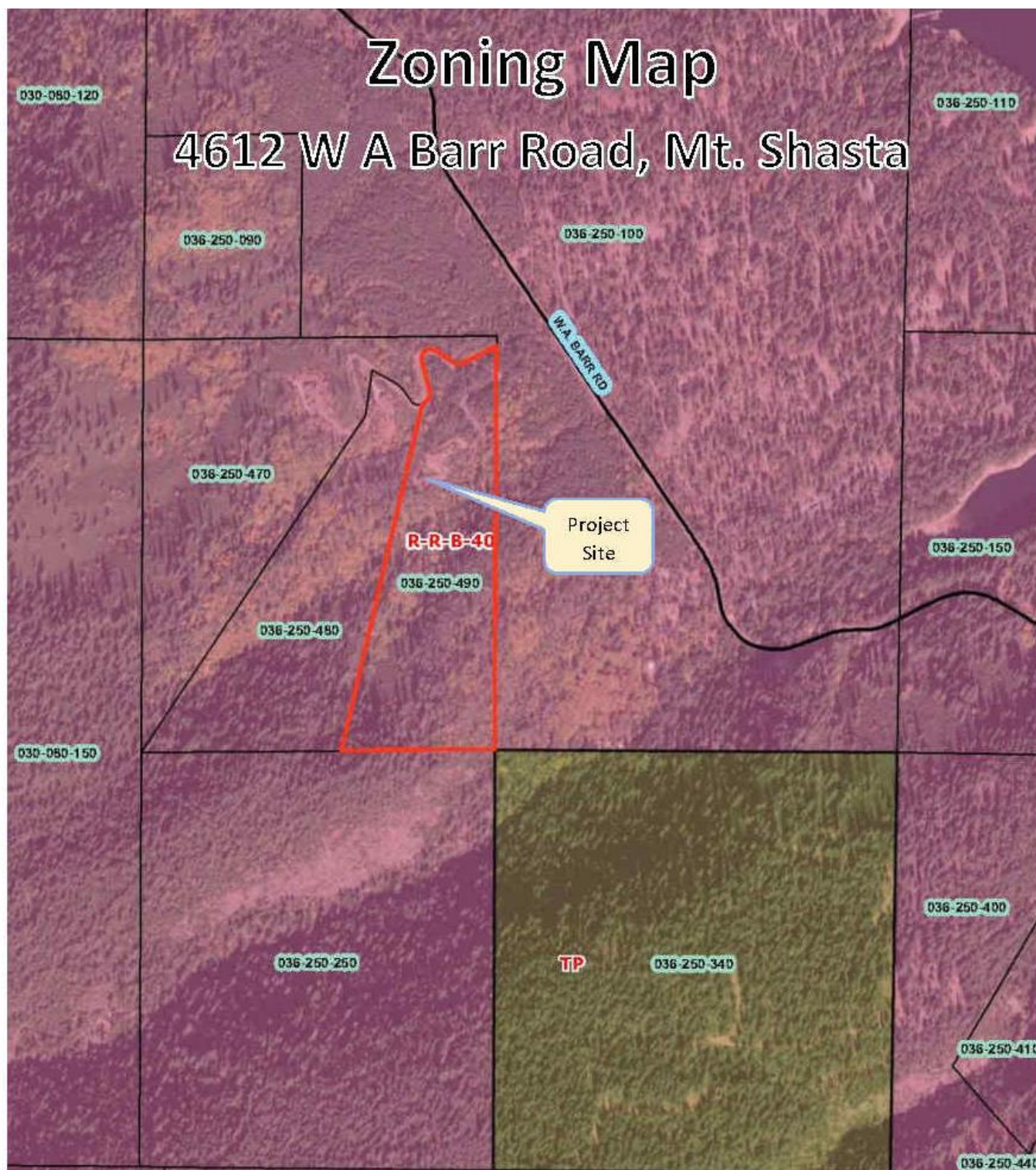


Figure 2: Zoning Map

Analysis

General Plan Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay areas for Soils: Erosion Hazard, Building Foundation Limits – Severe Pressure Limitations Soils, Slope, Deer Wintering Area, Wildfire Hazard, and Woodland Productivity. In addition, Planning staff has identified that Composite Overall Policies 41.3(e), 41.3(f), 41.6, 41.7, 41.8, 41.9, and 41.18 apply to the proposed project.

Staff has conducted a detailed analysis of each of the required findings and has found that the proposed project is consistent with the applicable General Plan policies governing the subject site. In addition, the use, as conditioned, would be compatible with the surrounding land uses, has adequate roadway access for transportation and public health and safety provisions, and would not create environmental impacts to on- or off-site resources. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit A-2 attached to this staff report and are submitted for the Commission's review and consideration.

Zoning Consistency

The proposed project site is situated in the Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40) zoning district and the proposed vacation rental is a conditionally permitted use pursuant to Section 10-6.1502(h) of the Siskiyou County Code. Based on staff's analysis of the proposed use, staff believes that the necessary findings can be made for approval of the application. The recommended findings are detailed in the Zoning Consistency Findings section of Exhibit A-2 attached to this staff report.

Discussion

Siskiyou County Code Section 10-6.1502(h) allows for vacation rentals in single-family or two-family dwellings subject to the issuance of a use permit. Vacation rentals are also subject to specific conditions, including property management requirements, maximum rental periods, occupancy limits, and parking requirements.

Inspections

Prior to the issuance of a use permit, both Siskiyou County Building Division and Environmental Health Division inspections are required to determine whether the facility complies with established standards. The subject property passed an inspection by the Siskiyou County Environmental Health Division on May 4, 2021.

The Siskiyou County Building Department inspected the property on February 5, 2021, where it was found that handrails needed to be installed on the west side of the deck and at the main entrance. A re-inspection of the corrections was conducted on February 24, 2021. After the re-inspection, it was discovered that the remodel of the ground floor from storage to a bedroom was done without approval of a building permit. In order to ensure use of the residence as a short-term vacation rental, including sleeping areas, are safe, staff is recommending Condition of Approval number 25, which requires that the property owners first obtain a Certificate of Occupancy before the use permit is issued. The property owners have taken steps to address these concerns and are in process of obtaining a Certificate of Occupancy for the unpermitted conversion.

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Property Management

Siskiyou County Code Section 10-6.1502(h)(1) requires that a vacation rental be managed by a County resident or professional property management firm located in Siskiyou County and that such resident or firm be available on a twenty-four (24) hour basis. This requirement is itemized in Exhibit A-1 as Condition of Approval number 5 and made a part of this staff report.

Maximum Rental Period

Maximum rental period per Siskiyou County Code Section 10-6.1508(h)(2) for each occupancy is limited to no more than thirty (30) consecutive days. This requirement is itemized in Exhibit A-1 as Condition of Approval number 6 and made a part of this written staff report.

Occupancy

The single-family dwelling contains three bedrooms and the applicant has obtained issuance of a building permit for the conversion of an area on the ground floor into a bedroom. The three proposed sleeping areas may be used for occupancy purposes subject to building inspection requirements. On the third floor, the master suite is approximately 226 square feet, the bedroom on the 2nd floor is approximately 100 square feet, and the bedroom on the ground floor is approximately 450 square feet. Based on available square footage of the sleeping areas, up to sixteen guests could be accommodated at any one time in the proposed vacation rental. This figure exceeds what is allowed by Siskiyou County Code Section 10-6.1502(h)(9), which limits occupancy of short-term vacation rentals to a maximum of ten guests at any one time. Also, the capacity of the existing septic system is designed for a maximum of eight persons. Therefore, based on the capacity of the septic system, the maximum permitted occupancy would be eight persons. This limit is itemized in Exhibit A-1 as Condition of Approval number 2 and made a part of this staff report.

Parking

Siskiyou County Code, Section 10-6.1502(h)(6) requires one off-street parking space for the short-term vacation rental plus one additional space for each of the available sleeping rooms. Three sleeping rooms are within the proposed vacation rental; therefore, a total of four off-street parking spaces are required. Adequate off-street parking exists in the designated parking areas on the east side of the house. This requirement is itemized in Exhibit A-1 as Condition of Approval number 7 and made a part of this staff report.

Mount Shasta Sphere of Influence

This project is proposed within the Mt. Shasta Sphere of Influence. Ordinance number 19-09 was passed on August 6, 2019, and prohibits vacation rentals within the Sphere of Influence of the City of Mt. Shasta on parcels of less than 2.5 acres in size. The parcel proposed for a vacation rental is 41.92 acres, which exceeds the minimum parcel size required by Siskiyou County Code Section 10-6.1502(h)(10).

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PROPERTY OWNER: Todd Anthis & Brett Waite
MAILING ADDRESS: 403 Orem St.
Mt. Shasta, Ca. 96067
PROPERTY ADDRESS: 4412 W.A. Barr Rd.
Mt. Shasta, Ca. 96067
APN: 056-250-490-000 (≈40.9 Acres)

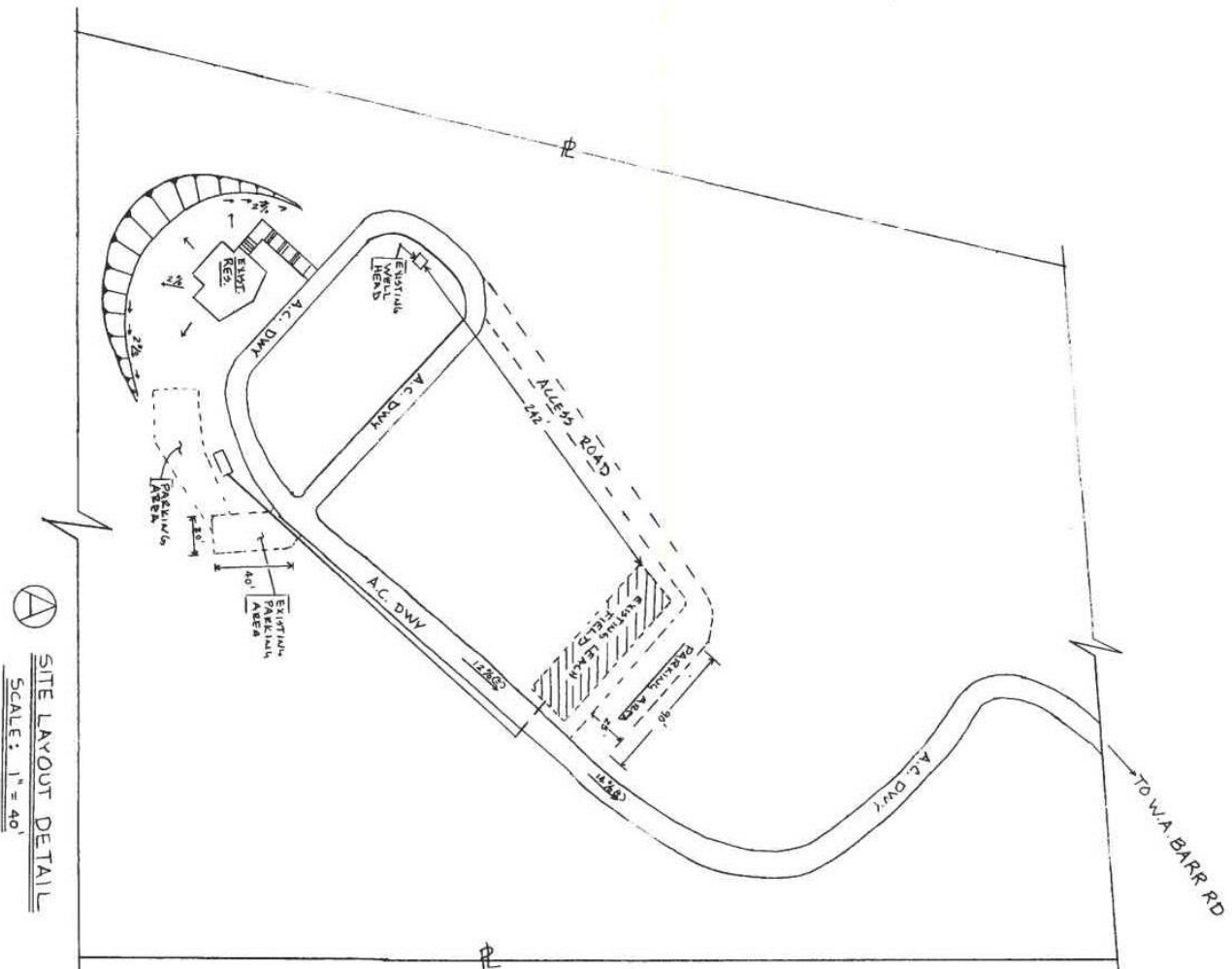
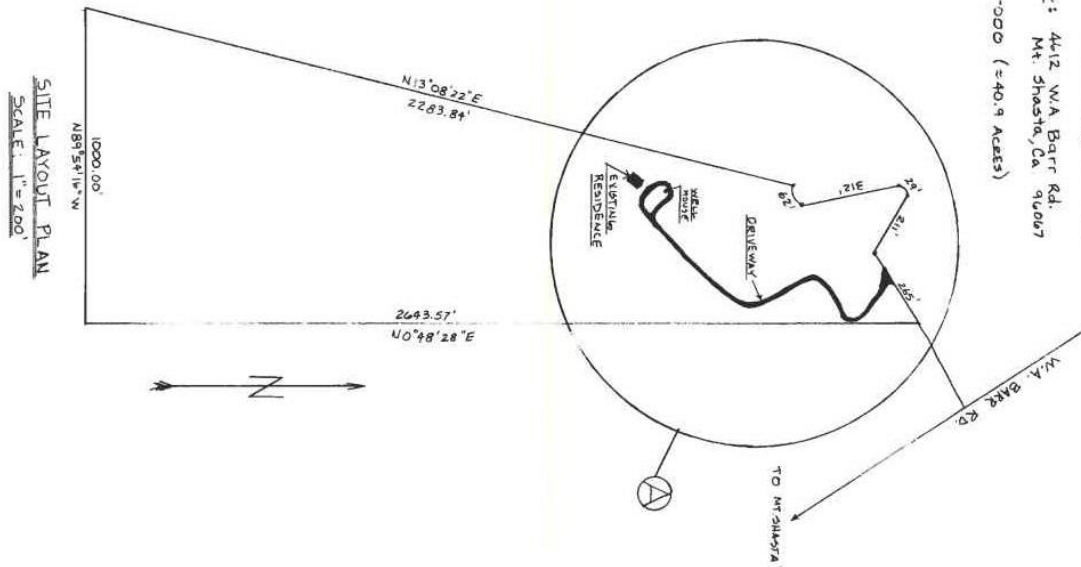


Figure 3: Site Map

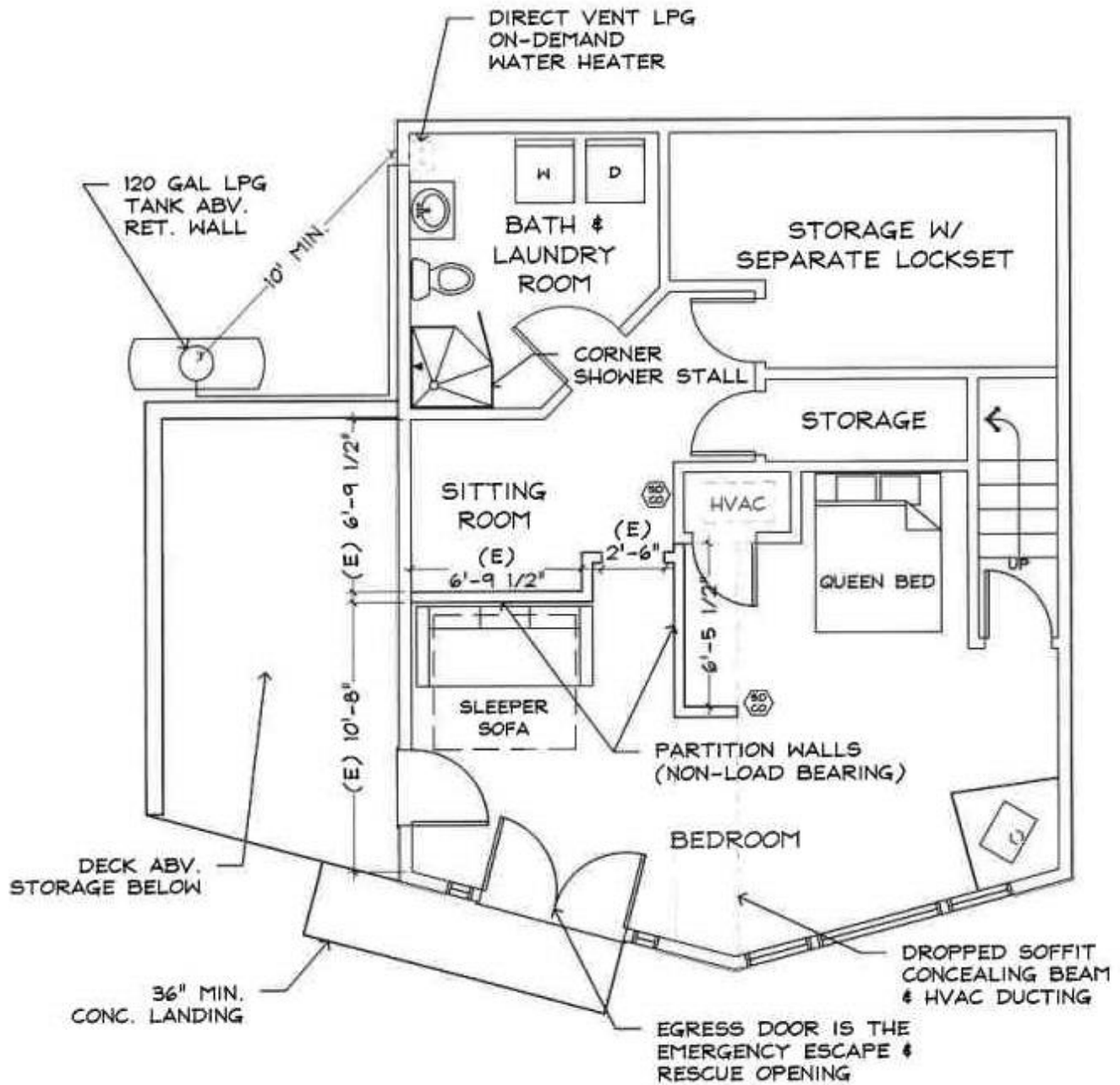


Figure 4: Ground Level Floor Plan

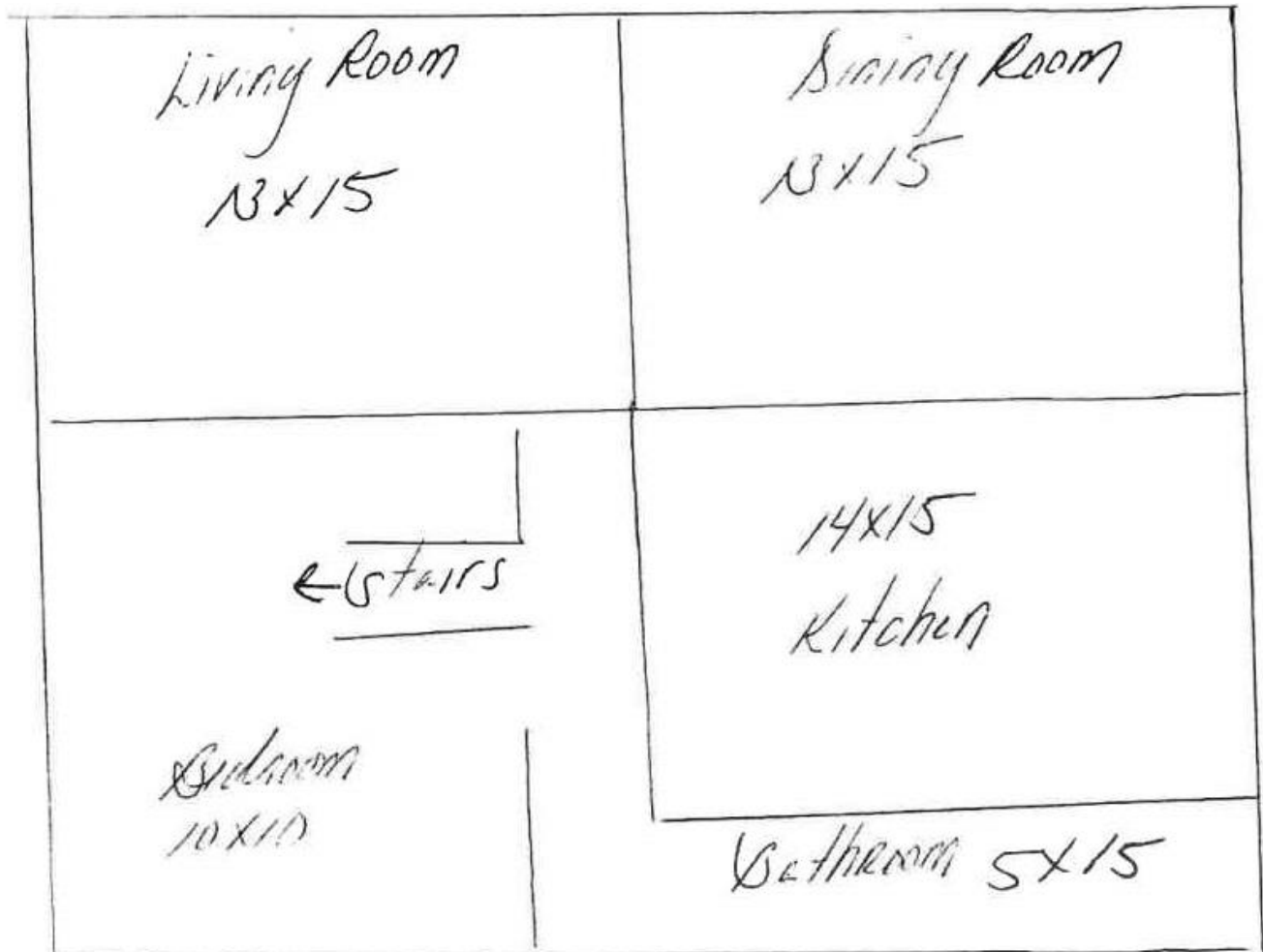


Figure 5: Second Floor Plan

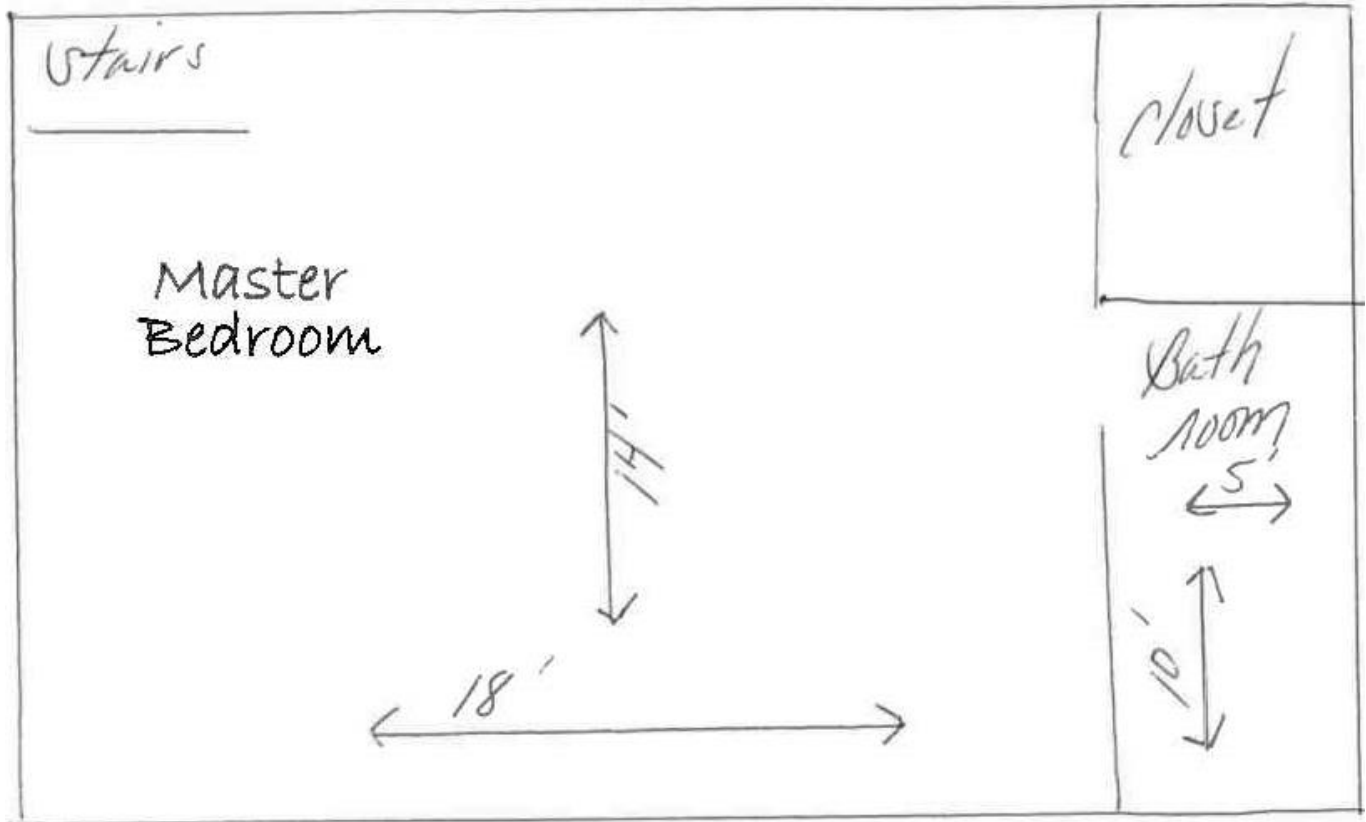


Figure 6: Third Floor Plan

Environmental Review

Staff recommends that the proposed project (i.e., use of an existing single-family dwelling as a vacation rental) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1, *Existing Facilities*. This exemption consists of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on August 4, 2021, and mailed on August 2, 2021, to property owners within 300 feet of the applicant's property.

Public Comments

No comments from members of the public have been received.

Agency Comments

Siskiyou County Building Division – February 5, 2021

The Building Department has reviewed information related to the proposed short-term vacation rental and performed on-site inspections.

- There was an unpermitted conversion of a storage room and family room into two bedrooms.
- An after-the-fact building permit application was received on July 20, 2021, and was issued on August 9, 2021. Final Certificate of Occupancy has not been issued as the writing of this staff report.

Planning Response: Compliance with the Building Department requirements to the satisfaction of the Building Department has been included as recommended Conditions of Approval (numbers 10, 11 and 25) for the project (see Exhibit A-1).

Siskiyou County Environmental Health Division – May 4, 2021

Environmental Health has reviewed information related to the proposed vacation rental.

- Applicant shall provide adequate garbage receptacles and have trash removed every seven days from the premises, or as often as necessary to prevent nuisance or threat to Public Health.
- Pool or spa facilities may not be added to the premises until approval from the Environmental Health Division and the appropriate Building Permit is obtained.
- Sewage back-ups and/or surfacing sewage in and around the septic system shall be reported telephonically to the Public Health Department as soon as possible. Owner/property management agency shall immediately report any signs of sewage disposal system failure. Septic system is designed to accommodate 4 bedrooms (8 persons total). Occupancy shall be regulated so as not to overload existing on-site sewage disposal system. Contact Public Health at (530) 841-2100 for information on upgrading said system to accommodate an increased number of occupants.
- Applicant shall report any water supply problems (i.e. outages, loss of pressure, pump failures, etc.) to the Public Health Department. In the event repairs are made to the water distribution system or pump, applicant must disinfect system and perform a bacteriologic analysis. Results must indicate absence of total coliform prior to renting to general public.
- Failure to comply with all conditions will result in initiation of process to revoke Short-Term Vacation Rental Use Permit or other appropriate enforcement remedies.
- Bacteriological test results of dwelling water supply indicate absence of contamination.

Planning Response: Compliance with Environmental Health requirements to the satisfaction of Environmental Health has been included as recommended Conditions of Approval (numbers 10, 12, 13, 14 and 15) for the project (see Exhibit A-1).

SISKIYOU COUNTY COMMUNITY DEVELOPMENT
ENVIRONMENTAL HEALTH DIVISION
806 South Main Street, Yreka, CA 96097
(530) 841-2100 fax: (530) 841-4076

PERMIT TO CONSTRUCT OR REPAIR INDIVIDUAL SEWAGE DISPOSAL SYSTEM

Permit for: ☐ New Conventional System ☐ Non-Conventional System ☐ Repair/Replacement
☐ Tank Replacement ☐ Drainfield Replacement Add 2 Lines from 2 2 to 4 Bedroom Capacity!

Owner's Name Todd Anthis Phone (530) 945-8174
Mailing Address 403 ORENT ST. City Mt Shasta State CA Zip 96067
Assessor's Parcel # 036-250-490 Township 46N Range 4W Section 31
Site Location 4612 WA BARR RD Mt Shasta Parcel Size 41.92 Ac

[Signature] (Signature of Owner, Licensed Contractor or Authorized Agent) 4-27-21 (Date)

Setback Requirements

Minimum of 100 feet from all wells to leach field
Minimum of 50 feet from center of County Road to system
Minimum of 50 ft. from septic tank to well
Minimum of 50ft from well to building sewer piping

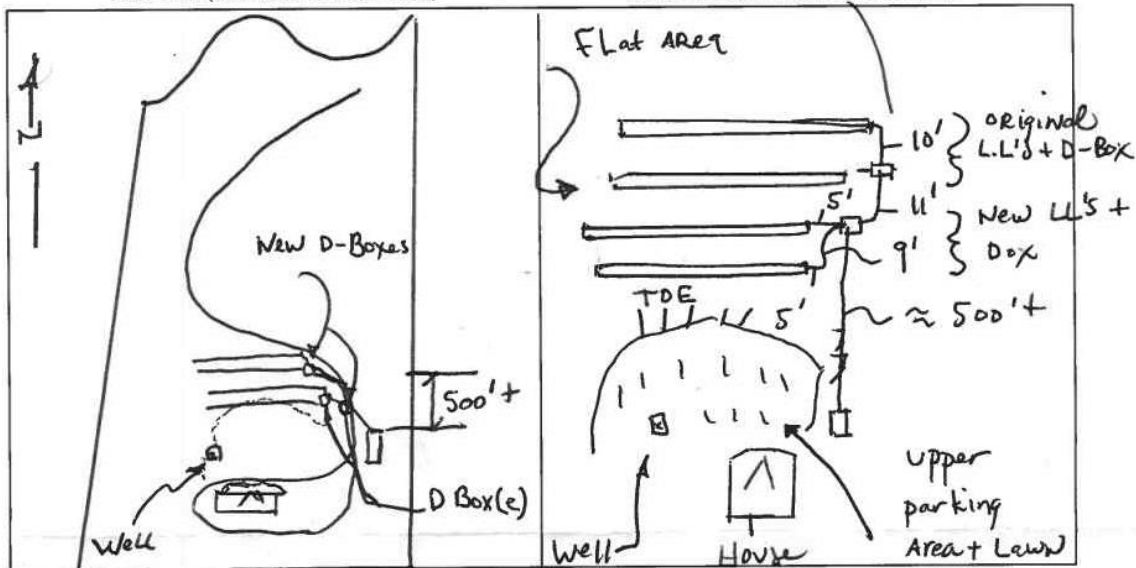
System Designed for # 4 Bedrooms Flows gpd
Perc test Yes No Results min/in
Septic Tank: Size 1200 Gallons Material Concrete Existing

SEWAGE DISPOSAL SYSTEM REQUIREMENTS

☐ Gravel Leachfield ☒ Chamber
Length of Each Line Depth of Trench Length of line 75' Units per line 19 (38 total)
Number of Lines Width of Chamber 30" Depth Trench 3'
Depth of Gravel Beneath Leach Pipe Number of Lines 2 Distribution Box Yes No
Width of Trench Distribution box must be placed on a concrete pad X 2
Distribution box must be placed on a concrete pad
Leachline must be installed level. The end of the
Leachline must be capped.
Gravel must be 1-3 inches washed and graded
Chamber inlets must have splash plate(s) installed

PLOT MAP (Show North Direction Arrow)

AS BUILT: (Show North Direction Arrow)



Issued By: [Signature] Permit# EH21085 Date 4-27-21
Final Inspection By: [Signature] Installed By owner Date 5-4-21

This permit expires one year from the date of issuance. Connection approval to a permitted structure is guaranteed for one year from the date of issuance.

Figure 7: Septic Upgrade Permit

California State Department of Forestry and Fire Protection (Cal Fire) – July 19, 2021

Comments were submitted regarding Cal Fire's requirements for this project, specific those pertaining to driveway design and surface requirements, addresses for buildings, and fuel modification standards as specified pursuant to Public Resources Code 4290.

Planning Response: Compliance with Cal Fire requirements has been included as recommended Conditions of Approval number 16 for the project (see Exhibit A-1).

Calls for Service History

Siskiyou County Sheriff's Department

Within the past 12 months, no calls for service were received within the vicinity of the project site and associated with short-term rentals.

Siskiyou County Code Enforcement

Within the past 12 months, one complaint was received on March 3, 2021 regarding the subject location operating as a short-term vacation rental without a Use Permit. As a result, the property owners submitted the Anthis Use Permit to allow a short-term vacation rental use. In addition, the County has taken the following enforcement actions against the property:

- A Cease-and-desist letter was sent April 1, 2021, requiring the applicants to deactivate all listings for the short-term vacation rental, listed the inconsistencies between the application and permit record history, and detailed steps of how to move the application forward.
- A Notice to Comply was issued on April 9, 2021, due to continued advertisement for a short-term vacation rental.
- An Administrative Citation in the amount of \$200.00 was issued on July 7, 2021, after it was found that advertisements for a short-term vacation rental were re-activated.
- A Tier 2 Citation in the amount of \$400.00 was issued on July 13, 2021, as the advertisement for a short-term vacation rental continued to be active.

Planning Response: Compliance with Code Enforcement would be attained when recommended Conditions of Approval (numbers 9 and 26) for the project (see Exhibit A-1) are met and the Conditional Use Permit for the short-term vacation rental is issued.

Planning Staff Recommendations

- Adopt Resolution PC-2021-019 taking the following actions:
 - Approve the Use Permit request based on the recommended findings and subject to the recommended conditions of approval; and
 - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301, Class 1, *Existing Facilities*.

Suggested Motion

I move that we adopt Resolution PC-2021-019, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Anthis Use Permit (UP-21-04) and Determining the Project Exempt from CEQA.

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Bernadette Cizin, Assistant Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2021-019

A Resolution of the Planning Commission of the County of Siskiyou, State of California Approving the Anthis Use Permit (UP-21-04) and Determining the Project Exempt from CEQA.

Whereas, Section 10-6.1502(h) of the Siskiyou County Code permits short-term vacation rentals within single-family and two-family dwellings subject to approval of a use permit and provided specific conditions are met; and

Whereas, Todd Anthis and Brett Waite applied for a use permit to allow for a short-term vacation rental use of a single-family dwelling located at 4612 W A Barr Road in the unincorporated area of Mount Shasta on Assessor Parcel Number 036-250-490; and

Whereas, the Planning Division presented its oral and written staff report on the proposed Anthis Use Permit UP-21-04 at the Planning Commission's regularly scheduled meeting on August 18, 2021; and

Whereas, the Planning Division recommended Anthis Use Permit UP-21-04 be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines because it can be seen with certainty that there would not be any significant impacts to the environment resulting from the project; and

Whereas, the Planning Division recommended approval of Anthis Use Permit UP-21-04 subject to the conditions of approval provided in Exhibit A-1 to this resolution referenced hereto and incorporated herein; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on August 4, 2021; and

Whereas, hearing notices were posted pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, on August 18, 2021, the Chair of the Planning Commission opened the duly noticed public hearing on Anthis Use Permit UP-21-04 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed Anthis Use Permit UP-21-04 prior to reaching its decision.

Now, therefore be it resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report referenced hereto and incorporated herein; and

Be it further resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-2, determines the project categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and approves Anthis Use Permit UP-21-04 subject to the notations and conditions of approval contained in Exhibit A-1 to this resolution referenced hereto and incorporated herein.

It is hereby certified that the foregoing Resolution PC-2021-019 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 18th day of August 2021, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Tony Melo, Chair

Witness, my hand and seal this 18th day of August 2021.

Kirk Skierski, Secretary of the Commission

Exhibit A-1 to Resolution PC-2021-019
Notations and Recommended Conditions of Approval

Notations

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. Upon determination of the categorical exemption(s), a check in the amount of \$50 made payable to the Siskiyou County Clerk and submitted to the Siskiyou County Planning Division is necessary in order to file the Notice of Exemption. Failure to file the Notice of Exemption extends the statute of limitations for legal challenges to the categorical exemption from 35 days to 180 days.

Conditions of Approval

1. The applicant shall include and reference their Use Permit number (UP-21-04) on any written advertisement for the Short-Term Vacation Rental, including online advertisements.
2. In no instances shall occupancy exceed eight (8) persons.
3. The following notices shall be posted on or next to the front door within the subject short-term vacation rental at all times that the property is being used as a vacation rental, and to the satisfaction of the Deputy Director of Planning:
 - A. The complete use permit that was approved and issued by the Siskiyou County Planning Division for the subject vacation rental; and
 - B. A notice that details the following information, including but not limited to:
 - Parking restrictions
 - The prohibition of on-street parking along W A Barr Road.
 - Prohibition of all outdoor burning because this is a wildfire hazard area
 - Emergency contact information, including the Siskiyou County Public Health Department, the 24-hour contact information for the property manager and plumber in the event of an emergency
 - A list of unacceptable items for disposal in the sewer such as diapers, feminine napkins, paper towels, etc.
 - Emergency exits and emergency escape diagram
 - Refuse collection regulations and collection times
 - Restrictions on loud noise (i.e. music, parties) after 10 P.M.

- A site diagram showing the water shutoff valve location, location of the shutoff tool(s), if any, and a narrative of how to shut off these valves if necessary.
 - Any other applicable or required information.
4. The project shall substantially conform to the application submitted and deemed complete on March 16, 2021, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning Commission on August 18, 2021. Any proposed amendment(s) shall be submitted to the Deputy Director of Planning. Minor amendments shall be considered by the Community Development Director. Major amendments shall be considered by the Planning Commission.
 5. The Short-Term Vacation Rental shall be managed by a County resident or professional property management firm located in Siskiyou County, and such resident or firm shall be available on a twenty-four (24) hour basis. Written confirmation in a form acceptable to the Planning Director as to the current property manager shall be submitted prior to use permit issuance. Upon a change of ownership or property management company, written confirmation in a form acceptable to the Deputy Director of Planning shall be provided within ten (10) days of said change.
 6. The maximum rental period shall be thirty (30) consecutive days per occupancy.
 7. A minimum of four (4) off-street parking spaces shall be provided and such parking spaces shall be in accordance with the Siskiyou County Code. As part of any lease or rental agreement, a specific restriction shall be included that requires all guest parking to be located off-street within designated parking spaces and that prohibits parking along W A Barr Road. The property owner shall be responsible for enforcing this condition and in the event that this condition is violated, the Department reserves the right to revoke the use permit.
 8. Guests are to be advised that encroachment on the public roadway during plowing operations is prohibited per Siskiyou County Code Sec. 3-4.301. The City of Mt. Shasta and the County of Siskiyou are not responsible for damages to vehicles encroaching on the roadways during snow plowing operations.
 9. A Siskiyou County Business License shall be obtained and maintained throughout the use of the residence as a short-term vacation rental.
 10. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Community Development Department, and all other local and state regulatory agencies.

11. An inspection of the existing residence shall be required by both the Building and Environmental Health Divisions to determine if the facility complies with the standards specified herein. Proof of compliance is required prior to issuance of a use permit for a short-term vacation rental.
12. The owners of the property, or designated property management firm, shall provide adequate garbage receptacles and shall have the trash removed every seven (7) days from the premises, or as often as necessary to prevent nuisance or threat to public health to the satisfaction of the Environmental Health Department.
13. Pool or spa facilities may not be added to the premises until approval from the Environmental Health Division and the appropriate Building Permit is obtained.
14. Sewage back-ups and/or surfacing sewage in and around the septic system shall be reported telephonically to the Environmental Health Division as soon as possible. Owner/property management agency shall immediately report any signs of sewage disposal system failure.
15. Owner/property management agency shall immediately report any water supply problems (i.e. outages, loss of pressure, pump failures, etc.) to the Environmental Health Division. In the event repairs are made to the water distribution system pump, owner/property management agency must disinfect and perform bacteriologic analysis. Results must indicate absence of total coliform prior to renting to the general public.
16. The applicant shall comply with and provide verification of compliance prior to issuance of the use permit, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Division.
17. All outdoor burning is prohibited. Advertisements and listings shall clearly state the prohibition of outdoor burning. No photographs or descriptions of the short-term rental shall suggest otherwise. Cooking fires contained within an enclosed grill, smoker, or similar device are exempt from the prohibition.
18. At any time while the property is in use as a Short-Term Vacation Rental, the use of firearms or fireworks upon the property is prohibited.
19. Prior to issuance of the use permit, the applicant shall provide properly maintained fire extinguishers, which are required for each vacation rental.
20. Smoke detectors and carbon monoxide detectors are required to be installed as per current building code prior to issuance of a use permit.
21. Transient Occupancy Tax (TOT) shall be collected and paid to the County of Siskiyou as required by Siskiyou County Code Title 8, Chapter 4, Section 8-4.

22. The applicant, shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the approvals, or any part thereof, or any decision, determination, or Action, made or taken approving, supplementing, or sustaining, the project or any part thereof, or any related approvals or project conditions imposed by the County or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the project, which action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project approvals.
23. The use permit shall lapse and shall become null and void two (2) years following the date that the use permit became effective, unless prior to the expiration of two (2) years the proposed use has been established. A use permit may be renewed for additional periods of time if an application (by letter) for renewal of the use permit is filed with the Planning Commission prior to the permit's expiration date. Should the use be discontinued for a period of one-year or more the use shall only resume under the condition that the Planning Director has made a written determination that the use has not been willingly discontinued and that the circumstances and findings under which the use permit was granted are still valid. Should the Planning Director be unable to make these required findings, the use shall not recommence without approval of a new use permit by the Planning Commission.
24. The outdoor fire pit shall be removed while the property is in use as a short-term vacation rental including photographs of the fire pit on any advertisements.
25. A Certificate of Occupancy is required for the after-the-fact remodel of the ground floor prior to issuance of a Use Permit.

26. All outstanding fees and/or fines, including building permit fees and Code Enforcement citations, shall be paid to the County within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees and/or fines within the time specified shall suspend any approvals or conditional approval granted by this action. No permits, site work, or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees and/or fines are paid to the County.
27. Within thirty (30) calendar days of final action by the Planning Commission, the applicant shall comply with Condition 17, as pertains to advertising, and Condition 25. Should the applicant fail to do so within the time specified, the applicant shall deactivate all listings, including cancelation of any existing reservations, and advertisements for the short-term vacation rental, or the Planning Division may proceed with revoking the Use Permit and/or other enforcement actions.

Exhibit A-2 to Resolution PC-2021-019 Findings

Zoning Consistency/Use Permit Findings

1. The proposed use permit, as recommended for approval, is consistent with the applicable elements and policies of the Siskiyou County General Plan.
2. The proposed short-term vacation rental is consistent with the applicable zoning provisions outlined in Section 10-6.1502(h) of the Siskiyou County Code.
3. Due to size, scale, intensity, and location of the project, the proposed use will not result in a significant change in the existing environment that would in any way threaten the public health, safety, peace, morals, comfort, convenience, or general welfare.
4. Due to the size, scale, intensity, and location of the project, the proposed use will not cause damage or nuisances from noise, smoke, odor, dust, vibration, explosion, contamination, fire, or traffic and will be reasonably compatible with the existing and permitted uses in surrounding areas.
5. The Planning Commission has considered all written and oral comments received and based on its analysis of the public testimony and staff's analysis, the Commission has determined that the project as designed and conditioned would be compatible with existing and planned uses of the area.

General Plan Consistency Findings

Composite Overall Policies

Policy 41.3(e) - All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

The proposed vacation rental would be clearly compatible with existing uses adjacent to the project site and would not in any way threaten the public health, safety, peace, morals, comfort, convenience, or general welfare of the surrounding area.

Policy 41.3(f) – All proposed uses of the land may be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.

No new development is proposed as part of this project and, therefore, no disruption of a mapped resource would occur.

Policy 41.6 - There shall be a demonstration to the satisfaction of the Siskiyou County Environmental Health Department and/or the California Regional Water Quality Control Board that sewage disposal from all proposed development will not contaminate ground water.

Sewage disposal for the existing single-family dwelling is provided by an approved private septic system. No new development is proposed as part of this project.

Policy 41.7 - Evidence of water quality and quantity acceptable to the Siskiyou County Environmental Health Department must be submitted prior to development approval.

Water service to the existing single-family dwelling is provided by an approved groundwater well. No new development is proposed as part of this project.

Policy 41.8 – All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Department as to the adequacy of on-site sewage disposal or the ability to connect into an existing city or existing Community Services District with adequate capacity to accommodate the proposed development. In these cases, the minimum parcel sizes and uses of the land permitted for all development will be the maximum density and land uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

No new development is proposed as part of this project. Sewage disposal and water service is supplied to the existing single-family residence by an approved on-site septic system and approved on-site groundwater well.

Policy 41.9 - Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

The project site has access to W A Barr Road, a public roadway capable of accommodating the vehicular traffic generated by the proposed use.

Policy 41.18 – Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

Staff has reviewed all Land Use Element policies and has determined that the proposed short-term vacation rental conforms to the General Plan.

Map 2: Erosion Hazard

Policy 7 – Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

No new development is proposed as part of this project. Therefore, there would be no potential for erosion impacts due to implementation of the project.

Map 3: Building Foundation Limitations

Policy 8 – Enforce building construction standards (uniform building code) and public works requirements.

No new development is proposed as part of this project. Prior to the issuance of a use permit, the existing dwelling must pass inspection by the Building Division of the Siskiyou County Community Development Department to verify that the structure meets building construction standards. Although no development is proposed as part of this project, all future development will be required to meet building construction standards and public works requirements.

Map 5: Excessive Slope

Policy 11 – All areas with 30% or greater natural slope shall not be developed with facilities requiring septic tanks for sewage disposal.

No new development is proposed as part of this project.

Policy 12 – If areas designated as 30% or greater natural slope are proven to be less than 30% slope, the minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

The permitted density will not create erosion or sedimentation problems.

No new parcels are proposed as part of this project and the proposed project will not create erosion or sedimentation problems.

Policy 16 – Single family residential, light industrial, light commercial, open space, non-profit and non-organization in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted, if the area is proven to be less than 30% slope.

The permitted uses will not create erosion or sedimentation problems.

No new development is proposed as part of this project. The proposed vacation rental is a permitted use per Policy 16 and will not create erosion or sedimentation problems.

Map 9: Deer Wintering Area

Policy 28 – Single-family residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

The proposed use is a permitted use allowed within single-family residences and compliant with Policy 28 and will not create erosion or sedimentation problems.

Policy 29 – The minimum parcel also permitted shall only be those as designated on the critical deer wintering area map.

The permitted density will not create erosion or sedimentation problems.

No new parcels are proposed as part of this project and the proposed project will not create erosion or sedimentation problems.

Map 10: Wildfire Hazard

Policy 30 - All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.

The proposed project is a residential use of an existing residential structure. As a condition of approval, the project must comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of CALFIRE and Siskiyou County Planning. The project site is approximately 1710 feet from a county-maintained roadway on a privately maintained roadway. A fire hydrant is south and east of the project site, approximately 0.7 miles away on W A Barr Road and the nearest fire station is less than four miles away.

Map 11: Woodland Productivity

Policy 31 – The minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

No new parcels are proposed as part of this project.

Policy 32 – Single family residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

The proposed use is a permitted use allowed within single-family residences and compliant with Policy 32 and will not create erosion or sedimentation problems.

Policy 33 – All land uses and densities shall be designed so as not to destroy timber productivity on large parcels of high suitability woodland soils. (Class I and II.)

No new land use or change in density is proposed as a part of this project.

California Environmental Quality Act Findings

1. Pursuant to CEQA Guidelines, Section 15301, Class 1, projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use are categorically exempt from the provisions of CEQA. Because the change in use is minor, would not involve a significant expansion of the use beyond that of the existing single-family residential use, and there is no substantial evidence demonstrating that there are unusual circumstances which would result in significant impacts that threaten the environment, the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301.
2. The Planning Commission has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
3. The Planning Commission has determined that the custodian of all documents and material, which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.

(X) Approved () Recommended for Denial
() Approved with conditions (see comments)

VACATION RENTAL COMMENTS:
ANTHIS/WAITE / VACATION RENTAL
PPI 2101 / UP _____

1. Applicant shall provide adequate garbage receptacles and have trash removed every seven days from the premises, or as often as necessary to prevent nuisance or threat to Public Health (included in Comments)
2. Pool or spa facilities may not be added to the premises until approval from the Public Health Department and the appropriate Building Permit is obtained (included in Comments)
3. Water services are provided by the City of (included in Comments)
4. Sewage back-ups and/or surfacing sewage in and around the septic system shall be reported telephonically to the Public Health Department as soon as possible. Owner/property management agency shall immediately report any signs of sewage disposal system failure. Septic system is designed to accommodate 4 bedrooms or 8 occupant's maximum. Occupancy shall be regulated so as not to overload existing on-site sewage disposal system. Contact Public Health at (530) 841-2100 for information on upgrading said system to accommodate an increased number of occupants. (included in Comments)
5. Failure to comply with all conditions will result in initiation of process to revoke Vacation Rental Use Permit or other appropriate enforcement remedies. (included in Comments)
6. Applicant shall report any water supply problems (i.e. outages, loss of pressure, pump failures etc.) to the Public Health Department. In the event repairs are made to the water distribution system the pump, applicant must disinfect system and perform a bacteriologic analysis. Results must indicate absence of total coliform prior to renting to general public N/A
7. Provide bacteriological results of dwelling water supply indicating absence of contamination N/A
8. Property contains a non-commercial pool. Said pool **may not** be used by vacation rental occupants under any circumstances. The pool must be appropriately fenced pursuant to Building Department requirements. Owner/Property Management firm shall disclose and advise renters that pool is not to be utilized. The pool must be posted with a sign which is conspicuously placed, that reveals that pool is not to be used by guests. Any water contained in the pool must be maintained so that the bottom is clearly visible and does not facilitate vector propagation. Property is subject to an annual inspection to verify conditions are being met. Said inspection fee shall be as established in Siskiyou County Code (current fee is \$50.00). N/A
9. Property contains a non-commercial spa. Said spa **may not** be used by vacation rental occupants under any circumstances. The spa must be appropriately fenced pursuant to Building Department requirements. Owner/Property Management firm shall disclose and advise renters that spa is not to be utilized. The spa must be posted with a sign which is conspicuously placed, that reveals that spa is not to be used by guests. Any water contained in the spa must be maintained so that the bottom is clearly visible and does not facilitate vector propagation. Property is subject to an annual inspection to verify conditions are being met. Said inspection fee shall be as established in Siskiyou County Code (current fee is \$50.00). N/A

OWNER ANTHIS, TODD AND WAITE, BRETT FILE # 036-250-490

REQUIREMENTS:

() None Required : Connection to Approved Sewage System

() Engineered Percolation Tests –
Parcels # _____

() Wet Weather Testing _____

() Engineered Sewage Disposal System _____

() Other _____

() None Required : Connection to Approved Water System
() Well Logs (Existing Wells) () Well Logs for Adjoining Property
() Drilled Well – Parcels # _____ () Spring Source-Verification
() Pump Test (Static Level) _____ Hours
() Bacteriological Analysis () Chemical Analysis () Physical Analysis
() Other _____

() Location Map () Mark Project Area () Contour Map
() Food Establishment Plans () Swim Pool/Spa Plans
() Waste Information (Non-Sewage)
() Other _____

The applicants upgraded the existing septic system (PN EH21085) to a 4 bedroom house which will accomodate 8 people as of 5/4/2021 .

ENVIRONMENTAL HEALTH ACTION

REHS *De Warr* DATE 5/4/2021

Date sent to Planning:

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 128
1809 Fairlane Road
YREKA, CA 96097-0128
(530) 842-3516
Website: www.fire.ca.gov



July 19, 2021

Siskiyou County Department of Public
Health and Community Development
806 South Main Street
Yreka, CA 96097-3321

Attention: Dianne Johnson, Permit Technician

Subject: Project Application Review Anthis Vacation Rental Use Permit (UP2104)

The California Department of Forestry and Fire Protection has the following Public Resources Code 4290 requirements for the above referenced project (reference Calif. Code of Regulations Title 14, Division 1.5, Chapter 7, Article 5, Subchapter 2, SRA Fire Safe Regulations):

DRIVEWAY DESIGN AND SURFACE REQUIREMENTS

1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09

ADDRESSES FOR BUILDING

1274.03, 1274.04

FUEL MODIFICATION AND STANDARDS

1276.01, 1276.02, 1276.03

SEE THE ATTACHED "4290 SRA FIRE SAFE REGULATIONS" FOR SPECIFIC CODE REQUIREMENTS.

If you have any questions please call me at (530) 842-3516.

Nicholas Pisano
Fire Captain Specialist- Fire Prevention
CAL FIRE

For: Phillip Anzo
Unit Chief

SRA Fire Safe Regulations

Board of Forestry and Fire Protection



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As of July 28, 2020

California Code of Regulations

Title 14 Natural Resources

Division 1.5 Department of Forestry

Chapter 7 - Fire Protection

Subchapter 2 SRA Fire Safe Regulations

Articles 1-5

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Article 1 Administration

§ 1270.00. Title

These regulations shall be known as the "SRA Fire Safe Regulations," and shall constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection.

§ 1270.01. Purpose

(a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA).

(b) The future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.

(c) These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

§ 1270.02. Scope

(a) These regulations shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991 except as set forth below in subsections (b.) through (d), inclusive, and (f);

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below; (3) all tentative and parcel maps or other developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or

tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c)(1) At the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of legally constructed residential, commercial, or industrial buildings due to a wildfire, to the extent that the reconstruction or repair does not:

(A) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed; or

(B) change the use of the building or buildings that had existed previously; or

(C) construct a new building or buildings that did not previously exist on the site.

(2) Nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a legally constructed residential, commercial, or industrial building for reasons unrelated to a wildfire.

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local

ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(e) Unless otherwise exempt pursuant to this subchapter, affected activities include, but are not limited to:

- (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);
- (2) application for a building permit for new building construction;
- (3) application for a use permit; and
- (4) road construction.

(f) EXEMPTION: Roads used solely for agricultural, mining, or the management and harvesting of wood products.

§ 1270.03. Provisions for Application of These Regulations.

This subchapter shall be applied as follows:

- (a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

§ 1270.04. Local Ordinances.

- (a) Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction provided that such ordinance, rule, or regulation is equal to or exceeds these minimum standards.
- (b) Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.
- (c) When the Board grants certification, the local ordinances, in lieu of these regulations, shall be applied as described in 14 CCR § 1270.02 and used as the basis for inspections performed under 14 CCR § 1270.05.
- (d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

(a) Inspection shall be made by:

- (1) the Director, or
- (2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
- (3) local jurisdictions where the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

- (b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.
- (c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.
- (d) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

§ 1270.06. Exceptions to Standards.

- (a) Upon request by the applicant, exceptions to standards within this subchapter or to local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR § 1270.05, where the exceptions provide the same practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.
- (b) Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception. Local jurisdictions listed in 14 CCR section 1270.05 may establish additional procedures or requirements for exception requests.
- (c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.
- (d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.
- (e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

§ 1271.00. Definitions

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and Miscellaneous Group U buildings.

CAL FIRE: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and

maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

Development: As defined in section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or their designee.

Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.

Note: Driveway standard includes up to a total of four (4) residential Units on one (1) parcel - Board of Forestry

Distance Measurements: All specified or referenced distances are measured along the ground, unless otherwise stated.

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

Fire valve: see hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply or storage system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Residential unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons.

Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in 14 CCR § 1270.01(c), unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with 14 CCR § 1270.02(d).

Road: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Road or driveway structures: Bridges, culverts, and other appurtenant structures which supplement the traffic lane or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and

(e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Vehicular access adjacent to the traffic lane.

State Board of Forestry and Fire Protection (Board): As defined in Public Resources Code section 730.

State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a road or driveway that provides a single line of vehicle travel.

Turnaround: A road or driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a road or driveway to allow vehicles to pass.

Utility and Miscellaneous Group U building: A structure of an accessory character or a miscellaneous structure not classified in any specific occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the road or driveway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

Article 2 Emergency Access and Egress

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

§ 1273.02. Road Surfaces

- (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
- (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.
- (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

§ 1273.03. Grades

- (a) At no point shall the grade for all roads and driveways exceed 16 percent.
- (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect.

1273.04. Radius

- (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

§ 1273.05. Turnarounds

- (a) Turnarounds are required on driveways and dead-end roads.
- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
- (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

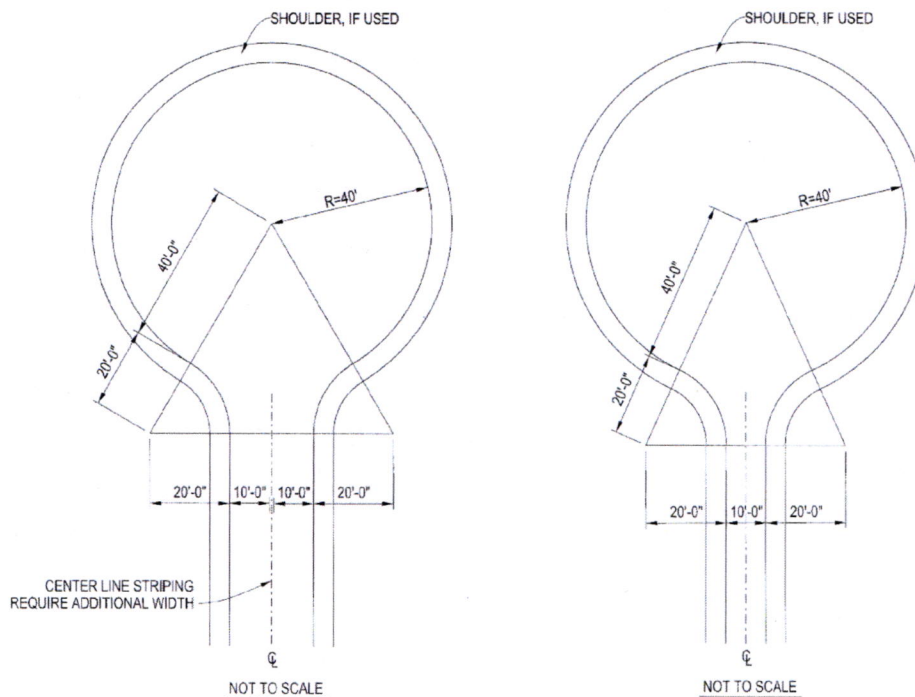


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

§ 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

§ 1273.07. Road and Driveway Structures

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, shall reflect the capability of each bridge.

(b) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

§ 1273.08. Dead-end Roads

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet
parcels zoned for 5 acres to 19.99 acres - 2,640 feet
parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

§ 1273.09. Gate Entrances

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

Article 3 Signing and Building Numbering

§ 1274.00. Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads and buildings shall be designated by names or numbers posted on signs clearly visible and legible from the road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

§ 1274.01. Road Signs.

(a) Newly constructed or approved roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each local jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering.

(b) The size of letters, numbers, and symbols for road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

§ 1274.02. Road Sign Installation, Location, and Visibility.

(a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.

(b) Signs required by this article identifying intersecting roads shall be placed at the intersection of those roads.

(c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:

(i) at the intersection preceding the traffic access limitation, and

- (ii) no more than one hundred (100) feet before such traffic access limitation.
- (d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

§ 1274.03. Addresses for Buildings.

- (a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.
- (b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.
- (c) Addresses for residential buildings shall be reflectorized.

§ 1274.04. Address Installation, Location, and Visibility.

- (a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property.
- (b) Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.
- (c) Address signs along one-way roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

Article 4 Emergency Water Standards

§ 1275.00. Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a wildfire or defend property from a wildfire.

§ 1275.01. Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.

§ 1275.02. Water Supply.

- (a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.
- (b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.

(c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.

§ 1275.03. Hydrants and Fire Valves.

(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

§ 1275.04. Signing of Water Sources.

(a) Each hydrant, fire valve, or access to water shall be identified as follows:

(1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(2) if located along a road,

(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or

(ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Article 5 Fuel Modification Standards

§ 1276.00 Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide for increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways, and a point of attack or defense from a wildfire.

§ 1276.01. Setback for Structure Defensible Space.

(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.

(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.

(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the

structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

§ 1276.02. Maintenance of Defensible Space Measures.

To ensure continued maintenance of commonly owned properties in conformance with these standards and to assure continued availability, access, and utilization of the defensible space provided by these standards during a wildfire, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements.

§ 1276.03 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

§ 1276.04 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.